

ASSEMBLY, No. 322

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishing veterans' affordable housing preference; authorizing bonus fair share credit for veterans' affordable housing.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning veterans' affordable housing preference and
2 fair share bonus credit, and amending and supplementing
3 P.L.1985, c.222.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 11 of P.L.1985, c.222 (C.52:27D-311) is amended to
9 read as follows:

10 11. a. In adopting its housing element, the municipality may
11 provide for its fair share of low and moderate income housing by
12 means of any technique or combination of techniques which provide
13 a realistic opportunity for the provision of the fair share. The
14 housing element shall contain an analysis demonstrating that it will
15 provide such a realistic opportunity, and the municipality shall
16 establish that its land use and other relevant ordinances have been
17 revised to incorporate the provisions for low and moderate income
18 housing. In preparing the housing element, the municipality shall
19 consider the following techniques for providing low and moderate
20 income housing within the municipality, as well as such other
21 techniques as may be published by the council or proposed by the
22 municipality:

23 (1) Rezoning for densities necessary to assure the economic
24 viability of any inclusionary developments, either through
25 mandatory set-asides or density bonuses, as may be necessary to
26 meet all or part of the municipality's fair share in accordance with
27 the regulations of the council and the provisions of subsection h. of
28 this section;

29 (2) Determination of the total residential zoning necessary to
30 assure that the municipality's fair share is achieved;

31 (3) Determination of measures that the municipality will take to
32 assure that low and moderate income units remain affordable to low
33 and moderate income households for an appropriate period of not
34 less than six years;

35 (4) A plan for infrastructure expansion and rehabilitation if
36 necessary to assure the achievement of the municipality's fair share
37 of low and moderate income housing;

38 (5) Donation or use of municipally owned land or land
39 condemned by the municipality for purposes of providing low and
40 moderate income housing;

41 (6) Tax abatements for purposes of providing low and moderate
42 income housing;

43 (7) Utilization of funds obtained from any State or federal
44 subsidy toward the construction of low and moderate income
45 housing;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 (8) Utilization of municipally generated funds toward the
- 2 construction of low and moderate income housing; and
- 3 (9) The purchase of privately owned real property used for
- 4 residential purposes at the value of all liens secured by the property,
- 5 excluding any tax liens, notwithstanding that the total amount of
- 6 debt secured by liens exceeds the appraised value of the property,
- 7 pursuant to regulations promulgated by the Commissioner of
- 8 Community Affairs pursuant to subsection b. of section 41 of
- 9 P.L.2000, c.126 (C.52:27D-311.2).
- 10 b. The municipality may provide for a phasing schedule for the
- 11 achievement of its fair share of low and moderate income housing.
- 12 c. (Deleted by amendment, P.L.2008, c.46)
- 13 d. Nothing in P.L.1985, c.222 (C.52:27D-301 et al.) shall
- 14 require a municipality to raise or expend municipal revenues in
- 15 order to provide low and moderate income housing.
- 16 e. When a municipality's housing element includes the
- 17 provision of rental housing units in a community residence for the
- 18 developmentally disabled, as defined in section 2 of P.L.1977,
- 19 c.448 (C.30:11B-2), which will be affordable to persons of low and
- 20 moderate income, and for which adequate measures to retain such
- 21 affordability pursuant to paragraph (3) of subsection a. of this
- 22 section are included in the housing element, those housing units
- 23 shall be fully credited as permitted under the rules of the council
- 24 towards the fulfillment of the municipality's fair share of low and
- 25 moderate income housing.
- 26 f. It having been determined by the Legislature that the
- 27 provision of housing under P.L.1985, c.222 (C.52:27D-301 et al.) is
- 28 a public purpose, a municipality or municipalities may utilize public
- 29 monies to make donations, grants or loans of public funds for the
- 30 rehabilitation of deficient housing units and the provision of new or
- 31 substantially rehabilitated housing for low and moderate income
- 32 persons, providing that any private advantage is incidental.
- 33 g. A municipality which has received substantive certification
- 34 from the council, and which has actually effected the construction
- 35 of the affordable housing units it is obligated to provide, may
- 36 amend its affordable housing element or zoning ordinances without
- 37 the approval of the council.
- 38 h. Whenever affordable housing units are proposed to be
- 39 provided through an inclusionary development, a municipality shall
- 40 provide, through its zoning powers, incentives to the developer,
- 41 which shall include increased densities and reduced costs, in
- 42 accordance with the regulations of the council and this subsection.
- 43 i. The council, upon the application of a municipality and a
- 44 developer, may approve reduced affordable housing set-asides or
- 45 increased densities to ensure the economic feasibility of an
- 46 inclusionary development.
- 47 j. (1) A **【**municipality may enter into an agreement with a**】**
- 48 developer **【**or**】** , residential development owner **【**to**】** , or

1 administrative agent for affordable housing in a municipality, as
2 applicable, shall provide a preference for both rental and ownership
3 affordable housing to low to moderate income veterans [who served
4 in time of war or other emergency, as defined in section 1 of
5 P.L.1963, c.171 (C.54:4-8.10), of up to 50] , regardless of war
6 service, of the United States Armed Forces, or a Reserve
7 Component thereof, or the New Jersey National Guard. The
8 veterans preference shall be applicable to no less than 50 percent of
9 the affordable units in [that] a particular project. This preference
10 shall be established in the applicant selection process for available
11 affordable units so that applicants who are veterans [who served in
12 time of war or other emergency] , as referenced in this subsection,
13 and who apply within 90 days of the initial marketing period shall
14 receive preference for the [rental] occupancy of the agreed-upon
15 percentage of affordable units. After the first 90 days of the initial
16 120-day marketing period, if any of those units subject to the
17 preference remain available, then applicants from the general public
18 shall be considered for occupancy. Following the initial 120-day
19 marketing period, previously qualified applicants and future
20 qualified applicants who are veterans [who served in time of war or
21 other emergency] , as referenced in this subsection, shall be placed
22 on a special waiting list as well as the general waiting list. The
23 veterans on the special waiting list shall be given preference for
24 affordable units, as the units become available, whenever the
25 percentage of preference-occupied units falls below the agreed upon
26 percentage. Any [agreement to provide] affordable housing
27 preferences for veterans provided pursuant to this subsection shall
28 not affect a municipality's ability to receive credit for the unit from
29 the council, or its successor.

30 (2) In addition to the affirmative marketing otherwise required
31 for affordable units, the Adjutant General of the Department of
32 Military and Veterans Affairs shall provide appropriate outreach to
33 veterans to enhance awareness of the veterans preference and the
34 steps necessary to take advantage of the preference. In order to
35 facilitate appropriate outreach to veterans, the Adjutant General
36 shall maintain a registry of veterans who have expressed interest in,
37 or may be eligible for, affordable housing, and the regions or
38 municipalities in which the veterans live, or would be willing to
39 live, should affordable housing become available. In order to
40 ensure that affordable units are offered to eligible veterans before
41 non-veterans, in accordance with the requirements of this
42 subsection, the Adjutant General shall coordinate with the council
43 or its successor, the department, the agency, and developers and
44 residential development owners.

45 (cf: P.L.2013, c.6, s.1)

1 live, should affordable housing become available. In order to
2 ensure that affordable units are offered to eligible veterans before
3 non-veterans, in accordance with the requirements of this bill, the
4 bill requires the department to coordinate with the council or its
5 successor, the department, the agency, and developers and
6 residential development owners.

7 Additionally, the bill provides that a municipality would receive
8 one unit of credit and one-half bonus credit for each unit of housing
9 occupied or reserved for occupancy by a low or moderate income
10 veteran.

11 The bill requires the Commissioner of Community Affairs to
12 adopt rules and regulations, in consultation with the Adjutant General
13 of the Department of Military and Veterans Affairs, to effectuate the
14 purposes of the bill on or before the effective date of the bill. The bill
15 would take effect on the first day of the fourth month next following
16 enactment.